

U.S. Serial No. 10/059,928  
Reply to Office Action of: 04/24/2003  
Family Number: P2002J012

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### REMARKS

Applicants' invention is directed toward forming an active catalyst from a used catalyst. Their procedure requires reducing the hydrocarbon content of the used catalyst, i.e., primarily wax (see page 11, lines 11 and 12) by one of five specific techniques. Then the catalyst is impregnated in a non-oxidizing atmosphere with an ammonium salt solution. After impregnation the material is oxidized in the presence of the impregnating solution. Finally, the oxidized material is reduced to form an active catalyst.

Each of the foregoing features can be found in Applicants' original claims; however, applicants have amended claims 1, 19, 20 and 21 to place them in better form.

The Examiner rejected claims 1 to 25 under 35 U.S.C. 102(a) as anticipated by Lapidus. Applicants respectfully traverse that rejection.

The Examiner contends that Lapidus, in treating his catalyst with a metal chelating agent to extract metal from the catalyst would inherently reduce the hydrocarbon content of the catalyst. Such is not so. Lapidus uses either an aqueous solution or a molten wax solution (column 6, line 36) neither of which will dewax a spent catalyst.

Lapidus treats his catalyst with chelating agents that include ammonium salts but he does not do so in a non-oxidizing atmosphere.

Finally, Lapidus does not oxidize the catalyst in the presence of the impregnating solution. Instead Lapidus states an inactive catalyst (column 5, lines 28-32) is treated with chelating solution (column 5, lines 32-36) and after extraction the catalyst is reduced (column 6, lines 39-43).

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For the foregoing reasons, Lapidus fails to anticipate applicants' claimed invention.

The Examiner's comments regarding claims 4, 5 to 7, 10, 11 and 16 have been noted; however, even if the Examiner's observations are correct because those claims depend from patentable independent claims, they are clearly allowable.

Applicants submit that the claims are patentable over the cited art and request prompt allowance of their application.

Respectfully submitted,



ESTELLE C. BAKUN  
Attorney for Applicants  
Registration No. 35,054  
Telephone Number: (908) 730-3635  
Facsimile Number: (908) 730-3649

☒ Pursuant to 37 CFR 1.34(a)

ExxonMobil Research and Engineering Company  
P. O. Box 900  
Annandale, New Jersey 08801-0900

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